

## SENATE BILL No. 513

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 8-23-9-58.

**Synopsis:** INDOT construction contracts. After June 30, 2005, prohibits the department of transportation (INDOT) from including in a construction contract or any related documents a provision prohibiting or restricting the receipt by a contractor of compensation for unforeseen work or additional expenses incurred during a project as a result of unforeseen: (1) conflicts with utility facilities; or (2) delays in utility facility relocations. Requires INDOT to revise its standard construction specifications, drawings, and other documents to eliminate any prohibition or restriction on compensation.

**Effective:** Upon passage; July 1, 2005.

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January 18, 2005, read first time and referred to Committee on Commerce and Transportation.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## SENATE BILL No. 513

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 8-23-9-58 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2005]: **Sec. 58. (a) This section applies to a construction contract**  
4 **entered into by the department and a contractor after June 30,**  
5 **2005.**

6 **(b) The department may not include in a contract, or in any**  
7 **specifications or other documents that are a part of or**  
8 **incorporated in a contract, a provision that prohibits a contractor**  
9 **from receiving, or restricts the contractor in receiving,**  
10 **compensation for unforeseen work or additional expenses incurred**  
11 **during the construction project as a result of:**

12 **(1) a conflict with the facilities of a utility (as defined in**  
13 **IC 8-1-9-2(a)); or**

14 **(2) delays due to the relocation of utility facilities;**  
15 **that differ materially from the affected utilities or utility**  
16 **relocations specified in the contract documents.**

17 SECTION 2. [EFFECTIVE UPON PASSAGE] **(a) As used in this**



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1 SECTION, "department" refers to the Indiana department of  
2 transportation established by IC 8-23-2-1.

3 (b) Not later than June 30, 2005, the department shall revise the  
4 department's standard specifications, drawings, and other  
5 documents that apply to a construction contract under IC 8-23-9  
6 to remove any provision that prohibits a contractor from receiving,  
7 or restricts the contractor in receiving, compensation for  
8 unforeseen work or additional expenses incurred during a  
9 construction project as a result of:

10 (1) a conflict with the facilities of a utility (as defined in  
11 IC 8-1-9-2(a)); or

12 (2) delays due to the relocation of utility facilities;  
13 that differ materially from the affected utilities or utility  
14 relocations specified in the contract documents for a particular  
15 project.

16 (c) This SECTION expires January 1, 2006.

17 SECTION 3. An emergency is declared for this act.

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